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Letter dated 8 April 2009 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council

I have the honour to send you the report of the workshop for newly elected and present Security Council members, which was held on 20 and 21 November 2008 at the Arrowwood Conference Center (see annex). The final report has been compiled in accordance with the Chatham House Rules under the sole responsibility of the Permanent Mission of Finland.

On the basis of the very positive feedback we have received each year from the participants, the Government of Finland remains committed to sponsoring the workshop as an annual event. The Government of Finland expresses the hope that this report will not only assist in familiarizing newly elected members with the working methods and procedures of the Council, but also contribute to a better understanding among the wider United Nations membership of the complexity of the work of the Council.

I should be grateful, accordingly, if this report could be circulated as a document of the Security Council.

(*Signed*) Jarmo **Viinanen**
Ambassador
Permanent Representative of Finland to the United Nations

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Annex to the letter dated 8 April 2009 from the Permanent Representative of Finland to the United Nations addressed to the President of the Security Council

"Hitting the Ground Running": Sixth Annual Workshop for Newly Elected Members of the Security Council

20 and 21 November 2008
Arrowwood Conference Center
Rye Brook, New York

The Government of Finland — in cooperation with the Center on International Organization of Columbia University, the Security Council Affairs Division of the United Nations Secretariat, and the United Nations Institute for Training and Research (UNITAR) — convened the sixth annual workshop for the newly elected members of the Security Council on 20 and 21 November 2008.

The annual workshops have served to help familiarize the newly elected members with the practice, procedure and working methods of the Council so that they are in a position to "hit the ground running" when they join the Council the following January. The series has also provided current members of the Council with an opportunity to reflect on their work in an informal setting. The workshops have been designed to complement the annual UNITAR briefings on aspects of the Council's work.

This year, the opening evening featured remarks by the Hon. Navanethem Pillay, United Nations High Commissioner for Human Rights.

The full-day programme on 21 November included four round-table sessions which focused on the following themes:

I. State of the Council 2008: taking stock and looking ahead

II. Working methods

III. Security Council committees and working groups

IV. Lessons learned: reflections of the class of 2008

Opening dinner keynote address

The Hon. Navanethem Pillay, United Nations High Commissioner for Human Rights, delivered the keynote address during the opening dinner. The High Commissioner underscored the centrality of human rights for peace and security and the critical connection between the Security Council and the Human Rights Council. She noted that the communal strife of internal war had exposed the destabilizing effects of human rights violations, especially when committed with impunity. Once perceived as a soft issue, isolated from the agenda of the Security Council, human rights had become an important component of the work of the Council and Council-mandated peace missions. Calling for a deeper analysis of the goals shared by the human rights, development and security communities, as well as by the United Nations system and Member States, the High Commissioner stressed that human rights violations are often a root cause of armed conflicts, as had been the case in Somalia and Bosnia and Herzegovina. This highlighted, in her view, the need

for a comprehensive approach to building peace and security that included the promotion of human rights and the rule of law.

While significant steps had been made in recognizing the critical linkage between human rights and peace and security, the High Commissioner urged closer cooperation between the Security Council and her office (OHCHR) based on a convergence of efforts and a division of labour. In this regard, she highlighted three Security Council resolutions that demonstrated the increasing synergy between human rights and security: (i) resolution 1612 (2005) on children and armed conflict, which provided a consent-based mechanism to monitor and report on violations; (ii) resolution 1325 (2000) on women and peace and security, which recognized the vital effort that women play in peace negotiations and post-conflict reconstruction; and (iii) resolution 1820 (2008) on sexual violence in conflict, which formally acknowledged sexual violence as a tactic of war. These resolutions, she underlined, continued to provide a basis for substantive dialogue between the human rights and security bodies of the United Nations.

In upholding the mantle of human rights, OHCHR has, in her view, grown to be a powerful engine for change over the past 15 years. According to the High Commissioner, the added value of her office included providing expertise to Member States and the United Nations system, preserving institutional memory on human rights issues in both emergency and chronic situations, and helping to integrate human rights issues with development, peace and security ones in the field. The OHCHR Nepal country offices, for example, played a critical part in facilitating the transition and monitoring the country's capacity to address human rights violations. While there had been a concerted effort to mainstream human rights on the ground, additional expertise would be required to bolster mission capabilities. The numerous first-hand reports published by OHCHR, moreover, had served as an advocacy tool, providing key information and analysis on human rights violations for various stakeholders, including Security Council members. In that regard, a human rights field presence enhanced the prospects for long-term peace as opposed to providing quick fixes.

According to the High Commissioner, her office benefits from its proximity and symbiotic relationship with other human rights bodies, including treaty bodies. She noted that this special relationship facilitated her office's reporting role and provided it with a direct contact to States of concern. The Human Rights Council's first thematic special session on the world food crisis highlighted its interplay with human rights abuses. In the case of the food crisis, as well as in other situations, OHCHR could provide vital layers of information that could enhance effectiveness on the ground and help to bring greater coherence to policy responses. OHCHR could also provide advice on particular thematic areas through consultations, which she would encourage on a regular basis.

In conclusion, the High Commissioner identified three steps as the "way forward" to enhance the working relationship between the Security Council and the United Nations human rights bodies. First, she urged the Security Council to give human rights more recognition and prominence in its resolutions and presidential statements. Second, she called for regular contact between the Security Council and OHCHR to get a broader perspective of issues under consideration. Third, she recommended improving sanctions-monitoring mechanisms and incorporating human rights considerations into resolutions imposing sanctions as a way to avoid

the targeting of innocent civilians. Finally, the High Commissioner called for a reaffirmation of the international community's commitment to human rights on the sixtieth anniversary of the Universal Declaration of Human Rights in December 2008.

Session 1
State of the Council 2008: taking stock and looking ahead

Moderator:

Ambassador Jean-Maurice Ripert
Permanent Representative of France

Commentators:

Ambassador Michel Kafando
Permanent Representative of Burkina Faso

Ambassador Dumisani S. Kumalo
Permanent Representative of South Africa

Ambassador Alejandro D. Wolff
Deputy Permanent Representative of the United States

At this session, participants were encouraged to discuss trends in the work of the Security Council, including issues related to the Council's agenda, workload, and productivity, the Council's accomplishments and innovations over the past year, the strengths and weaknesses in its performance, perceptions of legitimacy, encroachment and the rule of law, cooperation with regional and subregional arrangements, and the political and programmatic challenges ahead.

Significant trends in the Council's agenda, workload and productivity

Discussing the Council's workload, one participant stated that, despite the statistics contained in Professor Luck's discussion paper indicating a decline in activity from 2006 to 2007, the Council seemed as busy as ever. He added that, despite the fact that the total number of meetings and consultations were approximately one hundred fewer in 2007 than in 2006, the numbers were still quite daunting. In 2007, there were 383 meetings and consultations, more than one meeting per day. Indeed, there had been four meetings on four different agenda items just the day before the workshop. Despite all this activity, he underlined, his biggest frustration — and he expected that this concern was shared by many — was that activity was often not matched by results, as was the case with the mandate review process. With each new resolution adopted the Council inherits regular reviews, thus continually adding to its workload. The Council, in his view, too often extends mandates, including those under Chapter VII, without carefully scrutinizing the issue at hand. Like the General Assembly, he concluded, the Council has not been good at reviewing its mandate.

According to another speaker, the statistics underlined the fact that the question of effectiveness needed to be considered further. While many agreed that the Council was the most effective organ of the United Nations, it was noted that the level of its involvement with the broader membership was an important yardstick for effectiveness. It was pointed out that effectiveness was not only about reaching

agreement within the Council, but also about ensuring compliance with the Council's decisions. In this regard, the withdrawal of the United Nations Mission in Ethiopia and Eritrea was particularly disappointing. The same participant added that, in addition to effectiveness, the Council should be concerned with legitimacy and credibility. The Council was facing a proliferation of resolutions with which it was often very difficult to comply. The absolute number of resolutions, commented another speaker, mattered less than whether they were making a difference on the ground. Too many resolutions, noted another participant, do not address the root causes of conflicts and the ways to resolve them. Emphasizing the binding nature of Council decisions, a third speaker contended that the Council cannot be faulted for non-compliance with its resolutions, as the onus was on those affected by Council decisions to implement them, not on the Council itself. In his opinion, the Council should focus more on how it can better enforce its resolutions. This was important because the Council, by its actions, creates obligations under international law and thus should be able to enforce them.

Strengths and weaknesses in the Council's performance

One of the opening speakers distinguished the responsibilities of the Security Council from those of the wider United Nations system. He emphasized the Council's focus on peace and security and its responsibilities to make decisions and to follow up on prescribed recommendations and actions. Another participant stressed the responsibility that came with being on the Security Council, specifically on how the Council saves lives, spends money, makes choices, decides where to intervene and where not to intervene, while at the same time maintaining both process and accountability. As a third speaker put it, his experience on the Council made him realize how important every aspect of the Council's work was. The Council, in his view, should continually be guided by the ideals of peace and security, while seeking the best results for the people of the country involved. For example, he noted that the Council had been instrumental in attaining balance and protecting civilians in the Darfur region and in the Democratic Republic of the Congo. The Council, however, had sometimes been unable to reach agreement on a decision because of national priorities and positions, which he found to be a serious weakness. He noted, also, that the Council frequently failed in its mandate of preventing conflict.

One speaker highlighted the special responsibility that came with permanent membership on the Council. The existence of permanent members, he noted, was at the same time a strength and a weakness of the Council. It was a strength in that, when the five permanent members agreed, the Council worked like a "well-oiled machine" and one felt that the peace and security mandate was being carried out. It was a weakness in that, when the five permanent members did not agree, the people on the ground suffered, as in the cases of Darfur and Somalia. The same participant also regretted that, owing to a disagreement among the permanent members, the Security Council has not been able to agree on a course of action to address the situation in the Middle East and to alleviate the suffering of the Palestinian people.

A second interlocutor disputed the contention that the Council had done nothing about the situation in Darfur. Sometimes the Council could not agree on a particular issue, but this was true of the entire Council, not only of the permanent five. Another participant urged the incoming members not to see the Council as divided between the permanent and elected members. The Council was able to do its

work effectively because everyone stayed in the mode of dialogue, he contended. For example, it had been able to deal with major crises in the past, such as the aftermath of the 9/11 terrorist attacks and the situation in Kosovo, and would continue to do so in the future.

The Council, it was stressed, was a "political" body. Its greatest strength, according to this speaker, was its flexibility and its ability to deal with each situation in a tailored and specific manner. Commenting on a previous speaker's statement that the permanent five were the source of both the Council's greatest strength and weakness, he pointed out that over the last few years vetoes had averaged less than three per year. Another participant responded that it was the threat, not the use, of the veto, that mattered.

According to this participant, the Council needed to take its oversight functions seriously and not to rely on "autopilot" in assessing the development of situations on the ground. As a positive example, he referred to the usefulness of the latest report of the Secretary-General on the United Nations Stabilization Mission in Haiti (S/2008/586), which included benchmarks and indicators of progress in key areas of consolidation for the period 2008-2011. The speaker therefore hoped that, in the future, the Department of Peacekeeping Operations would be willing to share more often with the Council such assessments. Lacking this type of information, the Council, in his estimation, often failed to examine progress on the ground and to evaluate each mission carefully enough before extending mandates. In that regard, another participant, pointing to the rising costs of peacekeeping operations, regretted the Council's lack of military expertise. Though there had been a welcome increase in the number of meetings with the Department of Peacekeeping Operations on the military aspect of operations — i.e., on how to direct operations at the tactical level — he saw a pressing need to increase this kind of expertise within the United Nations more generally.

Perceptions of legitimacy, encroachment and the rule of law

During the discussion several speakers emphasized the collective nature of the Council's work. To maximize legitimacy, one speaker noted that it was important to seek a concerted effort by all Council members to foster consensus, though this was not always possible. He cautioned, however, that focusing so heavily on building consensus risked creating the wrong impression that resolutions adopted unanimously were "more valid" than the resolutions that were not. Because the Council tried to work by consensus, noted a second speaker, any Council member, no matter its size or experience on the Council, could have a say on any matter, as each individual vote was important. A third participant emphasized the importance of informal consultations as the primary vehicle for holding an interactive and constructive exchange of views which could help building consensus among Council members.

If the Security Council wished to maintain its credibility, according to one participant, it would need to make a further effort to improve its working methods. For example, the Council should meet periodically with other bodies, such as the General Assembly, the Economic and Social Council, the Human Rights Council, and the International Court of Justice, to keep everyone fully informed of developments on any particular issue. Furthermore, in his view, the Council should make an effort to tackle "on time" matters related to peace and security, without

spending too much time discussing formalistic issues, such as the format of meetings, and by making better use of non-governmental organizations, private organizations and Groups of Friends who had first-hand information on the ground. Several other speakers commented on the consistency and fairness of the Council's actions. One observed that people outside the Council had noticed that it tended to employ different approaches on different issues, sending assistance to one area and not to another. According to another interlocutor, in some instances the Council made an attempt to advance the rule of law in countries of concern, though the Council's action orientation might make it seem as if it was not paying sufficient homage to the rule of law in all cases.

Another participant commented that, while it was sometimes understandable why the Council responded differently to different situations, this was not always the case and the perception that the Council lacked consistency was widespread. Another participant agreed that there was some tension between the flexibility the Council needed to address each distinct situation and the notion of consistency. As a result, the legitimacy of the Council had suffered and that needed to be addressed. Given that the Council could not be equally effective in every situation, one speaker suggested that it was critical that the Council examine its full range of options before determining its response. A fourth participant cited Chad as an example of a situation where the Council had acted effectively because it was able to expeditiously find an agreement. Each situation, he asserted, should be assessed on its own merits. Another discussant concurred that Council members were pragmatic and looked carefully at each individual situation and that the Council did its best work when it focused on the particular circumstances of each case in order to reach decisions that, ultimately, were both political and pragmatic. He cautioned, also, against falling into the trap of doing nothing because of a lack of precedents: that could be a real impediment to the work of the Council.

Cooperation with regional and subregional arrangements

A few participants pointed to the growing collaboration with regional and subregional organizations to resolve conflicts as an encouraging evolution in the way the Council approached its work. One of them urged Council members to do more to encourage a United Nations system-wide support for such regional and subregional efforts at conflict resolution. This trend, the second speaker commented, could enhance both conflict prevention and conflict resolution efforts. He hoped that these efforts would continue to evolve, in particular the relationship between the United Nations Security Council and the African Union Peace and Security Council. Another participant called on the newly elected members to continue to "educate" the Council on the usefulness of maintaining a good relationship between the United Nations, on the one hand, and regional and subregional organizations and arrangements on the other. Regional organizations were not equal to the United Nations and its organs, but they could contribute experience and wisdom to inform Council decision-making. In his view, regional arrangements had a right to contribute to the work of the Council when their own region was affected, simply by virtue of their proximity to the situation at hand. As an example, he cited the work that the Southern African Development Community had done and was doing on Zimbabwe.

Political and programmatic challenges ahead

As of January 2008, there were 91,000 peacekeepers deployed under Security Council resolutions and, with the addition of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), that number would soon rise to over 100,000, noted a participant. Likewise, the peacekeeping budget had risen to over US$ 7 billion per year, or almost three times the assessed budget of the entire organization. Such trends, he underlined, were putting a greater premium on the Council's oversight functions.

At the same time, another speaker highlighted an opportunity for more outreach to various entities, both within the United Nations and outside. Agreeing with the keynote speaker from the previous evening, he asserted that major violations of human rights did constitute threats to international peace and security and, as such, needed to be addressed by the Security Council. Human rights and the responsibility to protect, in his view, were new issues to which the Council needed to pay greater attention. He also highlighted the importance of conflict prevention and called for greater attention to that issue. In that regard, the Council could — and should — make better use of special envoys and regional organizations. In the future, he stressed, the Council should pay more attention to this innovative and sensitive work.

According to a participant, the following serious issues would soon be addressed by the Council: (1) the Democratic Republic of the Congo, which was a major crisis, but where significant progress was being made; (2) the Sudan, with the controversial question of the indictment of the sitting president for crimes against humanity and war crimes in Darfur; (3) the aftermath of the situation concerning Georgia; (4) non-proliferation; and (5) the Middle East peace process, in the light of the formation of a new Israeli government as well as the new administration in the United States. Though this would be an ambitious agenda, he stressed that the Council would need to engage also in its regular review of peacekeeping operations and other mandates. New members should not feel overwhelmed, though he cautioned that a recognition of the scope of this agenda should nonetheless be sobering, in that there were serious and significant issues that would need to be addressed by the Council in the upcoming year.

Session II
Working methods

Moderator:

Ambassador Hoang Chi Trung
Deputy Permanent Representative of Viet Nam

Commentators:

Ambassador John Sawers
Permanent Representative of the United Kingdom

Ambassador Jorge Urbina
Permanent Representative of Costa Rica

At this session, speakers agreed that the Security Council was the most effective organ in the United Nations system; a recognition largely attributed to the

high level of coherence in Council working methods. A few speakers noted that, by further improving its working methods, the Council could increase its credibility and legitimacy, as well as its effectiveness. One speaker cautioned that the issue of the Council working methods should be addressed with a practical rather than "philosophical" approach and that the only forum for addressing it was the Council itself. By contrast, another participant noted that steps to enhance Council working methods should not be considered "a goal by themselves". Questioning the relationship between the improvement of working methods and the Council's legitimacy, the latter being derived chiefly from the Charter, the speaker added that the improvement of working methods should not become the centre of the Council discussions. Similarly, another speaker stated that the issue to be considered was not that of working methods as such, but rather how the Council could make decisions efficiently and deliver effectively on behalf of the United Nations Member States. Other participants commented on the need to find the right balance between maintaining the effectiveness of the Council's work and responding to the requests by the wider membership for greater transparency. Suggestions were therefore made for further clarification and scrutiny of certain rules and procedures. One discussant, however, cautioned that the improvement of Council working methods was to be approached on a "case-by-case basis" and with "common sense" rather than with the codification of new rules of procedure.

In particular, the session addressed Security Council working methods in relation to: (i) the responsibilities of the President and political coordinators; (ii) Security Council missions; (iii) cooperation with other United Nations organs and bodies; (iv) broadening inputs and outreach; and (v) steps to implement the notes by the President (S/2006/507 and S/2007/749).

Responsibilities of the President and political coordinators

In the light of the scope and volume of Council activities each month, the President's responsibilities were seen as instrumental in preserving and enhancing the legitimacy of the Council, as well as in fostering an environment of inclusiveness with the broader United Nations membership. One participant noted that the monthly rotation of the presidency allowed newly elected members to contribute fresh ideas on working methods and on the Council's programme of work.

In discussing the role of the President, several participants acknowledged two "traps" to be avoided: first, pursuing a national agenda to steer the Council towards specific interests; and, second, assuming an overly withdrawn and formulistic leadership style. Pursuing a national agenda, cautioned one speaker, could detract from the President's primary responsibilities for bridging the gap among members and for developing a Council agenda that could overcome inertia in decision-making processes. The thematic debates organized by the presidency were to be considered as the only "exception" in this regard. With reference to the second "trap", it was noted that being formulistic and withdrawn from the Council's issue areas tended to detract from the President's authority to provide guidance and direction. As one participant put it, presidential leadership entailed shaping discussions and facilitating a more substantive analysis of the topic at hand. The best presidents, added another speaker, were often those who were least noticed, because they were able to carry out their role in a fluid and efficient manner and did not attract attention to themselves, but rather to the issues at hand. Another speaker emphasized

that one of the main responsibilities of the President was to ensure that the programme of work agreed among members at the beginning of each month was fully respected and implemented.

On the responsibilities of the political coordinators, several participants agreed that they were not used to their fullest potential. One noted that political coordinators often were caught in the crossfire, the issues going back and forth between experts and Ambassadors. In such situations, the political coordinators often ended up playing a role analogous to that of a "procedural coordinator". There was ample room, noted another speaker, to engage the political coordinators in a more substantive manner. In this regard, another participant suggested that, in addition to formalizing the monthly programme of work, they could also be given some decision-making authority, including the power to resolve certain issues without taking them to the ambassadorial level. The place of the political coordinators, cautioned a third interlocutor, should be strictly distinguished from that of the Ambassadors. The political coordinators should essentially focus on procedural issues, leaving the Ambassadors full authority over political functions, including debates and decision-making. This participant added that the role of the political coordinators had changed dramatically in the last 10 years, becoming a more formalized and institutionalized part of each delegation. To further clarify the role and responsibilities of a political coordinator, another speaker suggested having a break-out session for political coordinators at next year's workshop.

Security Council missions

Security Council missions were viewed as a useful way to gather first-hand information and engage in constructive interactions with government officials, opposition party members, civil society organizations, national and international non-governmental organizations, and other relevant stakeholders. One participant recognized the value of missions in conflict prevention, as they gave Council members the opportunity to obtain a fuller perspective, thereby promoting creativity and strategic thinking. In his view, Council missions could play an active role in the mediation of conflicts, particularly when the missions were held in a "smaller format" of five or six members, as was the case for the mission to Timor-Leste in November 2007. This speaker also emphasized that the Council should consider undertaking more frequent missions in the future, including one to the Great Lakes region.

Cooperation with United Nations organs and bodies

Numerous participants called for closer cooperation with other United Nations organs and bodies, such as the General Assembly, the Economic and Social Council, the Human Rights Council, the Peacebuilding Commission and the Secretariat.

1. General Assembly

Enhanced cooperation with the General Assembly and its subsidiary bodies was viewed as increasingly critical given the growing connection among security, development and human rights issues. Discussions with different bodies and representatives would give Council members a more comprehensive perspective on the issues before it. For example, the Security Council's presidential statement on Myanmar (S/PRST/2008/13) was drafted without reference to a previously adopted

Human Rights Council resolution on the same situation. At the same time, one participant cautioned against possible encroachment by the Security Council on the functions and powers of the General Assembly and the Human Rights Council. Different organs and bodies could manage to work together successfully, he continued, as when the Security Council referred a case to the International Criminal Court. Another speaker asked why the proposal — voiced at the workshop two years ago — to have regular meetings among the Presidents of the Security Council, the General Assembly and the Economic and Social Council never came to fruition. In his view, such consultations could usefully focus on coordinating monthly activities, while serving to broaden the Council's outreach and enhance cooperation.

There was a lively discussion also of the Security Council's annual report to the General Assembly. The introduction to the 2007/08 annual report, as prepared by the delegation of Viet Nam, was commended for providing both a summary and a substantive analysis of the Council's activities across regions and on issues ranging from the proliferation of weapons of mass destruction to the role of regional and subregional organizations in contributing to the maintenance of international peace and security. Participants suggested that it could serve as a model for future reports. Nevertheless, an interlocutor cautioned that, despite the vast improvements in the annual report, the General Assembly's concerns about greater transparency had not diminished, suggesting that the sources of concern were more structural than related to a lack of transparency. One discussant regretted that, during the latest discussion by the General Assembly of the Council's annual report, less than one third of the speakers commented on the work of the Council, focusing their statements instead on its possible reform.

2. Peacebuilding Commission

Expanding cooperation with the Peacebuilding Commission was seen as critical to the Council's programme of work. In particular, participants called for a more strategic outlook towards enhancing cooperation with the Peacebuilding Commission to underline the seamless flow of operational responsibilities between peacekeeping and peacebuilding and to enhance the accountability of both. One urged the Council to cease "babysitting" conflicts and to adopt a more comprehensive approach, encompassing peacebuilding activities as an essential component. Another discussant stressed that it would be beneficial if the Council could make a better use of the work and expertise of the Peacebuilding Commission. Noting that the Council was not in a position to devote all of its time to peacebuilding issues, the speaker felt that the Council should rely more on the Peacebuilding Commission as a "supporting organ" of the Security Council.

3. Secretariat

There were numerous expressions of appreciation for the Secretariat's efforts in assisting Security Council members with their substantive work, procedures, contacts and research support. Participants underlined the importance of maintaining and building on this relationship, in particular when working on issues requiring substantive research. Input from the Secretariat, it was underlined, could be critical to Security Council meetings. The Member States should welcome such information and make use of the advice from the Secretariat, emphasized another speaker. Another participant felt that the Secretariat needed to make a better effort to assist

the Council members in implementing the monthly programme of work, especially with regard to the timeliness of the Secretary-General's reports and the arrangements of briefings by Secretariat officials.

Broadening inputs and outreach

While acknowledging that in recent years the Council had made several efforts to improve the transparency of its work, participants called for broader interactions and outreach activities with (i) non-members of the Security Council, particularly those directly involved or specifically affected by a conflict, (ii) non-governmental organizations and civil society, and (iii) the media. Several speakers commented that considerable progress had been made in expanding inputs from and outreach to the wider membership, including having the monthly forecast of the Council's programme of work publicly available and holding briefings by the President of the Council for non-Council members at the beginning of each month. Nevertheless, participants called for further improvements in both formal and informal communication.

With respect to integrating non-members into the work of the Council, one participant suggested that the broader membership should have greater access to the Council's programme of work to enhance its transparency and legitimacy. Why, queried one speaker, were members of the Council reluctant to grant others the opportunity to present their views? Once, when he had been invited to attend a Council meeting, he was not afforded the opportunity to speak, begging the question of why he had been invited. According to another speaker, however, it was necessary to separate process from real objectives, as all relevant views could now easily funnel into the discussion, even if not always through visible methods. Among those informal channels, it was noted that non-members of the Council could convey their views through their regional groups or by approaching the President of the Council or one of the Council members.

One participant commented that the Council did not relate well enough, collectively, with concerned countries. His experience had been that concerned countries talked very differently to large countries than to small ones, and that the quality of that communication was very important. Daily meetings were not needed with concerned countries, but overall communications could be improved, despite some recent progress. As an example of such positive steps, he cited a recent meeting with troop-contributing countries on a particular issue a few days before that issue was to be considered by the Council. The timing of that meeting of troop-contributing countries was a marked improvement from the past, when such a meeting would have occurred just a few hours beforehand, giving the troop-contributing countries insufficient time to communicate fully either with capitals or with Council members.

In the ensuing discussion, participants addressed the Council's working methods in dealing with Member States that are directly involved in or specifically affected by conflict. Though the Council allows a Member State party to a conflict to be present when its case is being discussed, it was pointed out that the provisional rules of procedure did not distinguish between merely being present at such a meeting and actually taking the floor. Another participant reiterated that due regard should be given to Member States directly involved in or specifically affected by conflict by giving them an opportunity to make an official statement. The previous

speaker agreed, noting that, under current practice, if a Member State was to be the subject of a Council decision, such as a resolution imposing sanctions, it was normally given only five minutes to set out its position. By not giving much consideration to such statements, the Council had fostered an environment of divisiveness and suspicion. On the other hand, another participant countered that, while engaging Member States that were directly involved in or specifically affected by conflict was important, the Council should be careful to balance transparency with efficiency. This example, noted a fourth speaker, underlined the need for a more rigorous approach to collaborating with such Member States. He suggested that the 1503 confidential communications procedure, which had been revised by the Commission on Human Rights, could provide some insights. Referring to the relationship between working methods and the role of the Security Council in crisis management, one discussant encouraged the Council to find ways to engage with concerned parties in a more "neutral" and "low-key" manner, pointing to the fact that Member States were usually not eager to be formally included in the agenda of the issues under formal consideration by the Council.

Several participants called for improvements in the drafting of presidential statements. Too often, contended one speaker, presidential statements were standardized and lacked a strategic assessment or proposed solution to agenda items taken up in the Council, resulting in an unhelpful mechanical response. According to another participant, frequently presidential statements had not sufficiently considered inputs from all members. To this end, it was suggested that presidential statements be issued two to three days after the meeting, thereby giving enough time to incorporate all views expressed during the discussions.

With regard to the regular briefings organized by the President of the Security Council and the Chairpersons of subsidiary bodies for non-members of the Council, it was noted that the Council had increased the number of such briefings over the years, although rarely did more than a handful of Member States attend. One speaker attributed this to a sense of frustration and detachment of many Member States towards the work of the Council. He therefore urged the Council to shift from a "demand driven" approach towards a "more active" effort to raise the interest of non-members with regard to its work. By remaining committed to interacting and sharing information with the broader membership as part of its core responsibilities, the Council could hope to improve the deep-seated attitudes towards it among the general membership.

The Arria-formula meetings, according to several participants, had proved to be a useful means for broadening inputs and outreach with civil society. Those meetings, it was noted, were noticeably informal and the procedures were largely flexible, therefore allowing the Council to invite a range of interested parties to provide substantive and informative presentations on Council issues. However, one speaker cautioned that those gatherings were not meetings of the Security Council as such. Noting that use of the Arria formula need not be exclusive to the Council, a participant pointed out that any Member State could call such a meeting and invite interested actors to participate. According to another speaker, members of civil society had reiterated the value of Arria-formula meetings, but regretted that the meetings did not give them enough time to fully express their perspectives and concerns. One possibility, he continued, would be to have some Arria-formula meetings in the format of a retreat to permit a more in-depth discussion. Another participant, noting that time is scarce for most Council discussions and that even

Member States did not always have the opportunity to fully express their positions, questioned whether it would be practical to allocate more time for civil society presentations.

Several speakers addressed the issue of the Council's relationship with the media. One participant proposed that the Council President should have the liberty to go to the press and convey highlights of meetings. He noted that, regardless of the strict confidentiality rules for the Council's private meetings and informal consultations, the media had a way of quickly finding out the content of the discussions through leaks and other sources. Allowing the President to talk to the press prior to other participants, therefore, would encourage more honest reporting to the outside world. Another speaker stressed that the President had certain responsibilities to the press, such as sharing information on a regular and timely schedule. One speaker noted that only if the confidentiality of informal consultations was ensured would Council members feel free to engage in more interactive and free discussions.

Implementation of notes by the President (S/2006/507 and S/2007/749) and possible next steps

Working methods cannot be approached from a theoretical perspective, commented a speaker, as they were subject to change on a daily basis. However, having some guidelines, as outlined in the notes by the President (S/2006/507 and S/2007/749), could help to structure the Council's work. In particular, paragraph 41 of S/2006/507, detailing a collective working relationship for Council resolutions, presidential statements and press statements, was described as highly useful by another interlocutor. A third participant called for an updated framework to S/2006/507 that would clarify practices and procedures. A fourth speaker agreed that the time had come to look again at S/2006/507 to identify elements that still had to be implemented, adding that the Secretariat should also do its part in this regard. The Handbook on the Working Methods of the Security Council, published in December 2006, was also identified as useful for Council members. Finally, another speaker regretted that the Council's rules of procedure were still provisional, a factor that raised questions about the predictability of the Council's action.

Session III
Security Council committees and working groups

Moderator:

Ambassador Neven Jurica
Permanent Representative of Croatia

Commentators:

Ambassador Abdelrazag Gouider
Ambassador and Legal Adviser of the Libyan Arab Jamahiriya

Mr. La Yifan
Minister Counsellor of China

Noting that the number of Security Council committees and working groups had grown over the past decade, as had their range of responsibilities, this session

addressed the following four issues: (i) working methods and the relationship between subsidiary bodies and the Council; (ii) counter-terrorism committees and staff support, including the global survey of the implementation of resolution 1373 (2001) and the interim review of the Counter-Terrorism Committee Executive Directorate in 2009; (iii) sanctions issues; and (iv) the responsibilities of the Chairperson and the division of labour.

Working methods and the relationship between subsidiary bodies and the Council

It was noted that, unlike in the Council itself, decisions of the committees and working groups were generally made by consensus, though this was not always easy to reach. Another speaker praised this practice, though it was a time-consuming one, because it produced decisions that were more durable and authoritative. He cited the Working Group on Children and Armed Conflict as an example of how consensus-building had fostered a better and more authoritative result. A third interlocutor wondered, however, whether there should be greater flexibility with regard to the consensus rule or room for exceptions, in particular on sanctions issues, including listing, de-listing and granting humanitarian exemptions.

The Council needed to place a greater emphasis on improving the working methods of the committees and working groups, it was argued, to prevent them from becoming too bogged down in procedure and to allow them to engage more on substance. Another participant concurred, stating that there was further room for improvement, for example, by enhancing monitoring efforts and other tools.

A speaker warned that the relatively recent proliferation of Council committees and working groups had raised questions of coherence, conflicts of competence, duplication of work, and, in some cases, confusing reporting requirements. Despite some improvements, he said, the Council needed to address the situation and to consider these matters systematically. According to another speaker, the number of subsidiary bodies made it difficult for newly elected members to fully understand and navigate the Council's work. Increased attention, in his view, should be given to decreasing the overlaps between the subsidiary bodies.

The challenge of bringing added transparency into committee working methods was also highlighted. Enhanced communication with the broader United Nations community (including States and regional and subregional bodies) was essential in his view. Working groups and committees should have clear and full authority to engage non-Council members on issues of particular interest to them. While acknowledging that progress had been made towards increased transparency in recent years, he contended that this long-term task merited the sustained attention of Council members. Another issue that would demand concerted effort, commented a second speaker, was rationalizing the substantial infrastructure that had been created to support the work of the various committees and working groups. The chairpersons and members of these subsidiary bodies, he noted, often depended heavily on the support provided both by experts and the Secretariat. Given the rapid growth of these experts' groups, coordination and coherence sometimes had suffered.

Counter-terrorism committees and staff support, including the global survey of the implementation of resolution 1373 (2001) and the interim review of the Counter-Terrorism Committee Executive Directorate in 2009

One speaker noted that the option of merging or consolidating bodies dealing with closely related issues, such as the three committees and one working group on counter-terrorism, was frequently mentioned. However, in his view — and another speaker concurred — Council initiatives should go beyond the coherence of its own subsidiary bodies and aim for system-wide coherence within the United Nations when important matters, such as counter-terrorism, were at stake. While he believed that the Counter-Terrorism Implementation Task Force had an important role to play, it should be recognized that the Council's counter-terrorism committees had deepened work on the issue and made it more effective through reporting regimes, assessment missions, and the facilitation of technical assistance. According to two participants, the General Assembly's counter-terrorism strategy had wide appeal, in part because it dealt not only with security-related issues, but also with the root causes of terrorism.

It was essential, stressed one speaker, that the conformity of action taken by committees and working groups, particularly those dealing with counter-terrorism, be maintained, as well as reaffirmed by Council resolutions. The Counter-Terrorism Committee, established pursuant to Council resolution 1373 (2001), had been playing a key role in this regard. In his opinion, however, human rights concerns still needed greater emphasis in the work of that Committee.

Another speaker mentioned the interim review of the Counter-Terrorism Committee Executive Directorate as an opportunity to assess the effectiveness of the Counter-Terrorism Committee. That review, due by the end of June 2009, was expected to entail a careful analysis of the work of the Directorate for presentation both to the Council and to the wider membership of the United Nations. In this process, he noted, the active cooperation of all members, including newly elected ones, would be essential.

Sanctions issues

Two speakers underlined the importance of transparency, fair and clear procedures, and due-process guarantees in the work of the sanctions committees. One stressed that the credibility of targeted sanctions, an approach that had evolved over the past decade through multiple Council committees, risked being diminished if transparency, fair listing and de-listing procedures, and independent review were not established. According to both participants, the recent judgement of the European Court of Justice in the Kadi Case sent a strong message regarding the transparency of sanctions procedures and respect for the rights of individuals. Both also noted that improvements had been made, such as those in Council resolution 1822 (2008), in which the Council directed the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban to review, by 30 June 2010, all names on the consolidated list at the time of adoption and to post on the Committee's website the narrative summary of reasons for listing each of the names on the list. A third participant expressed the hope that the work currently being done by that Committee on de-listing procedures would continue within the Council, adding that there also needed to be procedures for dealing with erroneous listings. A

fourth participant suggested considering how listing and de-listing concerns could be addressed under the framework of resolution 1822 (2008) and "even beyond".

Further on due process, one participant mentioned that the working and reporting methods of a previous monitoring group on Somalia had been criticized. The Council needed to make sure that these kinds of concerns were adequately addressed in the future. He urged monitoring groups and sanctions committees to take a fresh look at the issue of due process and its implications for their work. There were still specific concerns regarding listing and de-listing and how they affected due process, commented another speaker, but it remained unclear how these issues would be tackled.

One speaker called for close scrutiny of the work of experts who help the sanctions committees by going into the field to examine situations on the ground. In response, another participant contended that groups of experts were carefully vetted and approved before their hire for Council missions. In fact, he pointed out, these groups reported to the committees, not to the Secretariat, and their reports were independent.

As one of its few compulsory tools, sanctions remained an important part of the Council's repertoire, declared a participant. However, he continued, Council members should have as clear an understanding as possible of the adverse impact of sanctions on the most vulnerable populations in affected countries. Quoting the High Commissioner's keynote address, he urged the Council to find a voice for those most affected.

Responsibilities of the Chairperson and the division of labour

One speaker noted that the chairpersons of committees and working groups were usually chosen from the group of non-permanent Council members, by a rather informal process without a strict legal framework. Should it be within the authority of the chairperson of a subsidiary body, queried another participant, to refer instances of impasse to the Council or should such a decision first be approved by the body in question? Furthermore, should chairpersons be allowed a certain degree of flexibility in their actions so that the work of a committee actually contributes to reducing the workload of the Council, rather than overburdening it with technical details?

One of the immediate consequences of the consensus rule was, according to one speaker, that the chairperson needed to continuously nurture dialogue and cooperation with all members of the committee in preparation for major actions. Likewise, he added, one of the primary functions of the chairperson was to act as a consensus-builder and to foster a collaborative atmosphere within his or her committee, to enable it to move forward.

The growth in the numbers of subsidiary bodies, commented a participant, afforded the elected members increasing opportunities to play a greater and more substantive role on the Council. Members typically seek the chairmanship of particular committees, in his view, either because of a direct national interest or because the subject matter happens to interest their delegations. Though having a distinct interest in the subject matter was definitely an advantage, he recalled that there was also value in being able to approach an issue from a more dispassionate distance.

Should permanent members more frequently take on the role either of chairmanship or of co-chairmanship with a non-permanent member? The speaker posing this question noted that most of the information considered by the committees came from permanent members, making it difficult for the chairman to evaluate and openly discuss it in the committee. In his view, if the permanent members themselves chaired some of the subsidiary bodies, that would, in some cases, facilitate the conversation. Given the nature of much of the information before the subsidiary bodies, the State under consideration could, in bilaterals with the Chairman, much more easily contradict the evidence when the permanent member that provided it was not chairing the body, or even present at the time. A second participant noted that it could be advantageous for permanent members to share the responsibility of chairing committees and working groups, since larger delegations could more easily shoulder the burdens chairmanship entailed.

Session IV
Lessons learned: reflections of the class of 2008

Moderator:

Ambassador Alejandro D. Wolff
Deputy Permanent Representative of the United States

Commentators:

Ambassador Ricardo Alberto Arias
Permanent Representative of Panama

Ambassador Jan Grauls
Permanent Representative of Belgium

Ambassador Dumisani S. Kumalo
Permanent Representative of South Africa

Ambassador R. M. Marty M. Natalegawa
Permanent Representative of Indonesia

The moderator opened the session by thanking the outgoing members for their commitment and hard work over their two-year terms. He acknowledged the complexity of the issues that the Security Council had to deal with in 2008, and commended the members for the collegial and respectful atmosphere within the body.

Influence of elected members on the Security Council's work

Several participants explored the dynamics among Council members, particularly the influence of elected members on the Council's work and decisions. One participant noted a real sense of frustration among the elected members that decision-making sometimes seemed to be the exclusive domain of the permanent members. Some decisions were initially deliberated, and effectively decided, by the permanent members, with others getting an opportunity to comment only after the decision had been made.

While this perception was certainly widespread, countered another participant, it was, in fact, not valid. Elected members were given the opportunity to take

leadership roles and to guide the way forward, especially during periods of indecision and impasse. Another participant added that the differences between the elected and permanent members were not as pronounced as many believed. As a third speaker pointed out, without committed collaboration between the permanent and elected members, the Council would continually find itself in a deadlock given that resolutions require nine votes to be adopted. He emphasized, also, the importance of diversity in the Council, noting how valuable individual country and regional perspectives were for the Council's work. According to a fourth participant, the strength of the permanent members emanated from the fact that they were ever present on the Council and not because of their veto power. Elected members should take little comfort in blaming permanent members for inadequacies, added a fifth interlocutor, as there was a lot of room for action by elected members.

Newly elected members did not have the institutional memory that the permanent members did, noted one speaker, leaving them less prepared for the Council's fast-paced agenda. Another participant also commented on the heavy demands the Council's activities placed on newly elected members, particularly on smaller missions with fewer staff or resources. However, added a third speaker, it should be acknowledged that time management affected both smaller and larger delegations, particularly given the extensive hours that ambassadors have to spend at the Council, leaving relatively little time for other issues. He had been highly impressed, nevertheless, by the level of preparedness displayed by smaller missions. No doubt the price of their efficacy on the Council was reduced attention to other organs and bodies, such as the General Assembly and the Economic and Social Council.

Advice to new Security Council members

The outgoing and current members offered several points of advice to the newly elected members. One participant stated that he would miss the outgoing members because they had forged common ground on many issues. He stated that it was a tremendous honour to be on the Council and that members carried the heavy responsibility of making decisions that affected the lives of thousands of people who may never set foot inside the United Nations Headquarters in New York.

Elected members, it was said, often felt a greater sense of responsibility towards non-members given their temporary term on the Council. For this reason, fostering an environment of inclusiveness and consensus-building with the broader membership was often a priority for them. The new members, predicted another speaker, would feel the burden of this responsibility very early on when a representative of a non-Council member would approach them to convey its point of view, especially if the Council was to discuss such a situation in private. Because of this burden, he said, it was important that members "stay principled", irrespective of "whose toes they stepped on".

Two participants commented on the importance of staying true to one's roots as, after all, each member would still be accountable to its own citizens. Another speaker, however, emphasized the need to achieve a global outlook beyond more narrow national and/or regional perspectives. Council members should seek to build bridges and find consensus, he added, so having a global perspective was critical to a successful term on the Council.

As one speaker cautioned, new members of the Council, lacking sufficient time to think about processes and working methods, must simply adjust and adapt to the new environment. According to another participant, the two-year tenure of elected Council members consisted of five phases. During the first phase, newly elected members go through a period of "euphoria", arising from the trust that has been placed in them by the general membership. The second phase introduced "trepidation", as newly elected members come to realize the full extent of the workload ahead of them. The third period was one of "regret", due to the sometimes contentious issues and the heavy workload. In the fourth phase, elected members begin to acclimatize to the Council's agenda and working methods and gain more familiarity and comfort with the issues. Finally, in the fifth phase, they come to deeply regret the passing of their term of membership.

The need for a strong team in the capitals supporting the work of the delegation in New York was mentioned by two participants. One noted that, despite the autonomy that many United Nations delegations had, it was critical for representatives to be in regular contact with their capital. To this, the second participant added that it was important to recognize the complexity of relationships at the capital level. It has often been the case that United Nations delegations have had to manage not only their own relationship with their capital, but also their capital's relationship with the 14 other Council members. This need, he noted, was particularly acute when it came to politically sensitive issues.

Transparency, confidentiality and efficiency

On transparency, one participant emphasized that communication with the broader membership was critical to maintaining the Council's legitimacy and credibility. One participant described how Council members that belong to the European Union had an obligation to "keep the other member States fully informed" pursuant to the European Union Treaty. Therefore, they met on a biweekly basis on the Council's programmatic activities. Similar models — it was suggested — could apply to other regional groups or organizations.

There was a lively discussion of how transparency could be affected by so-called Groups of Friends. While it could be helpful for a group of Member States to convene on a critical issue, it was inappropriate, argued one speaker, to devise a resolution without allowing all Council members the time to consult and confer with their capitals on it before voting. There was a risk, he warned, that inviting a Group of Friends, including non-Council members, to partake in the decision-making process of the Council could cause inefficiencies. The term Group of Friends could be misleading, another speaker cautioned, as such groups did not necessarily seek to advance the interests of the country in question. But it would aid transparency, a third speaker countered, to involve Groups of Friends with a real stake in the issue, allowing the Council to reach beyond its 15 members. Two other participants agreed, adding that the Groups of Friends had helped to bring regional perspectives to bear and allow Member States with a special interest to participate in Council discussions. Another participant noted that newly elected members should be aware that an informal process, such as that involving a Group of Friends, was one way for the broader membership to become more involved in the work of the Council.

Several participants acknowledged the need to balance transparency with confidentiality. Two of them noted that Council members regularly inform others of

Council activities and that, when they entered the Council chambers, they brought with them information from outside its walls. Thus, the Council itself was not a "closed-door enterprise", even though its private meetings and informal consultations were confidential. While agreeing that the Council had the responsibility to consult extensively with non-Council members, one participant cautioned that its work could be hampered if members could not rely on confidentiality. Acknowledging that the work of the Council had changed dramatically over the past 15 years, one speaker noted that the trend had been towards greater openness.

There was extensive discussion of meeting arrangements and formats. The related question of efficiency was also raised by several participants within this context. Some participants, asserting that the Council was the most efficient organ in the United Nations, contended that, to maintain this level of efficiency, Council members had to be able to meet alone, particularly when discussing sensitive agenda items. More specifically, two speakers stressed the value of informal consultations as providing a forum for real negotiation, exchange of ideas, and consensus-building. Stressing that the Security Council was a body that made decisions, one argued that it was necessary for members to debate the issues on their own in order to build a consensus. For instance, he mentioned that he had seen a member come in with one view only to change his mind because of the debate during consultations.

The second speaker noted that there was an inherent tension between those who think that the Council should be meeting more in public and those — including himself — who think that its best work is done through informal consultations and discussions, rather than in formal meetings. Prepared statements read out at formal meetings were time-consuming and discouraged interactive discussions, fostering an environment where members do not really listen to what other members have to say. He pleaded with the incoming members to help the Council maintain its ability to interact through the informal consultations. Lastly, he lamented that open meetings often turned into "theatre", with polemics flying across the room, producing no real results, and detracting from the Council's ability to do its work. Maintaining the deliberative process was important, in his view, and that could be done much better if members were not pointing fingers.

In response, one participant suggested that, while interactive engagements, such as those during informal consultations, were optimal for substantive discussions, many Member States doubted that they enhanced the Council's legitimacy. He had never seen a non-member in the consultation room and, while he would not advocate that, it was clear that better and more open communication was required.

Even supposedly informal consultations, in the view of a participant, were becoming overly formal. For instance, he explained, intervening twice in an informal consultation was frowned upon, and intervening three times was practically never done. The speaker questioned whether this formality was the result of having to represent a national position or rather reflected individual preference. According to another participant, Council members seemed to have lost the ability to communicate in informal terms, for instance, by picking up a telephone and calling another member.

Why, it was asked, was there an expectation that every Ambassador would speak at every meeting? One should not feel obligated to speak if one did not have

something substantive to say. Another participant agreed, suggesting that the proliferation of statements had limited interaction. In his view, informal remarks, in lieu of statements, should be used in informal consultations to foster a more interactive discussion. According to a third participant, the barrage of information had sometimes turned informal consultations into a mechanical process, rather than a dynamic one, making the Council's response mechanical as well. One participant recalled an instance in the past when written statements had been discouraged during consultations so as to encourage a more vibrant and dynamic interaction. Another speaker found very useful those instances when the Council first met in public to hear a briefing by the Secretariat, with a possibility for members to make statements, and then continued its discussion in informal consultations.

Numerous participants called for an emphasis on efficiency as the ultimate goal, instead of either transparency or confidentiality. One participant disagreed, contending that if the Council were to achieve transparency and confidentiality, then it would achieve efficiency as well. To this, another speaker responded that it mattered much less whether meetings were open or closed than whether the Council could respond effectively to crises and maintain its role as the world's primary vehicle for the maintenance of international peace and security.